Ordinance 58-1064 of 7 November 1958 enacting the Institutional Act on the election of the President of the Republic is replaced by the following institutional provisions:

No less than fifteen days before the first ballot for the election of the President of the Republic, the Government shall cause the list of candidates to be published.

The list shall be drawn up by the Constitutional Council on the basis of the nominations made to it, no later than eighteen days before the first ballot, by at least five hundred citizens being Members of Parliament, of the Regional Councils, of the Assemblée de la Corse, of the Département Councils, of the Councils of Mayotte and of Saint-Pierre-et-Miquelon, of the Paris Council, of the Assembly of French Polynesia, of the Congress and Assemblies of the Province of New Caledonia, or of the Territorial Assembly of the Wallis and Futuna Islands, Mayors, Delegated Mayors of Associated Communes, Mayors of Districts in Lyon and Marseille, or elected members of the Council of French Citizens Resident Abroad. The Presidents of the decision-making bodies of the Urban Communities, of the Conurbation Communities or of the Communities of Communes, and French nationals being Members of the European Parliament elected in France may also likewise nominate candidates for the election of the President of the Republic. A candidacy may be accepted only if the signatories of the nomination include elected members from at least thirty départements or overseas territories and no more than one tenth of them are from the same département or overseas territory.

For the purposes of the foregoing paragraph, Senators representing French citizens resident abroad and the elected members of the Council of French Citizens

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1. Enacted by referendum pursuant to article 11 of the Constitution.
Resident Abroad shall be deemed to have been elected by the same département. For the purposes of the same provisions, deputies and the senator elected in New Caledonia and members of the assemblies of the Province of New Caledonia shall be deemed to have been elected by the same overseas département or overseas territory. For the purposes of the same provisions, French nationals being Members of the European Parliament elected in France shall be deemed to have been elected by the same département. For the same purposes, the Presidents of the decision-making bodies of the Urban Communities, of the Conurbation Communities or of the Communities of Communes shall be deemed to have been elected in the département in which the commune they represent is situated. For the same purposes, Regional Councillors and Councillors of the Assemblée de la Corse shall be deemed to have been elected in the départements among which they are distributed in accordance with the rules provided for by sections L 293-1 and L 293-2 of the Electoral Code, in the amended form in force following publication of Institutional Act 2001-100 of 5 February 2001 amending Act 62-1292 of 6 November 1962 on the election of the President of the Republic by universal suffrage.

The Constitutional Council shall verify that persons nominated have given their consent. Nominees shall make a written declaration of their assets in a sealed envelope, in accordance with the requirements of section LO 135-1 of the Electoral Code, together with an undertaking that in the event of election they will, no more than two months nor less than one month before the expiry of their term of office, or should they resign, no later than one month after their resignation, make a fresh declaration complying with the same provisions, which shall be published in the Journal officiel de la République Française within eight days of its deposit; otherwise, the nomination shall not be valid.

The name and status of the citizens nominating the candidates entered on the list shall be made public by the Constitutional Council no later than eight days before the first ballot, up to the number required for the validity of the nomination.

Electoral operations shall be organised in accordance with the versions of sections L1, L2, L5 to L7, L9 to L21, L23, L25, L27 to L43, L45, L47 to L52-2, L52-4 to L52-11, L52-12, L52-16, L53 to L55, L57 to L78, L85-1 to L111, L113 to L114, L116, L117, LO127, L199, L200, L202, L203, L385 to L387, L389 and L393 of the Electoral Code in force on the date of publication of Institutional Act No 2001-100 of 5 February 2001 on the financing of campaigns for the election of the President of the Republic, subject to the provisions below.

The maximum amount of campaign expenditure provided for by section L 52-11 shall be €13.7 million for each candidate for election as President of the Republic. It shall be €18.3 million for each candidate standing at the second ballot.

For the purposes of section L52-8 of the Electoral Code, bodies corporate may not make loans or repayable advances to candidates.
The audit costs incurred for the purposes of section L52-12 of the Electoral Code shall be entered in the campaign accounts.

The campaign account and documents appended thereto shall be laid before the Constitutional Council no later than two months after the date of the ballot at which the election yielded a final result. The Constitutional Council shall enjoy the powers conferred by the first, fourth and last paragraphs of section L52-15 and by section L52-17 of the Electoral Code.

In the cases mentioned in the last paragraph of section L52-15 of the Electoral Code, the Constitutional Council shall determine the amount that the candidate shall be required to reimburse the Treasury, which shall not exceed the amount of the excess recorded.

For the purposes of the fourth paragraph of section L52-5 and of the fourth paragraph of section L52-6 of the Electoral Code, the time allowed for the automatic dissolution of the electoral financing association and for the termination of the functions of the financial agent shall be one month following publication of the decisions of the Constitutional Council provided for by the third subparagraph of paragraph III of this section.

The credit balance if any of the accounts of electoral associations and financial agents of candidates shall be transferred to the Fondation de France.

The amount of the advance provided for by the second subparagraph of paragraph V of this section shall be recorded on the revenue side of the campaign accounts.

The Constitutional Council shall ensure that operations are properly conducted and shall investigate complaints in the manner provided in relation to referendums by sections 46, 48, 49 and 50 of Ordinance 58-1067 of 7 November 1958 enacting the Institutional Act on the Constitutional Council.

The Constitutional Council shall determine and declare the results of the election, which shall be published in the Journal officiel within twenty-four hours of the declaration. The successful candidate’s declaration of assets shall be appended to the declaration.

Campaign accounts addressed to the Constitutional Council by candidates shall be published in the Journal officiel within one month of the expiry of the two-month period allowed by the fifth subparagraph of paragraph II. The Constitutional Council shall cause to be published all decisions which it takes approving, rejecting or modifying candidates’ campaign accounts pursuant to the fifth subparagraph of paragraph II. For the examination of these accounts and of complaints referred to in the first subparagraph of this paragraph, the President of the Constitutional Council shall designate rapporteurs, selected from among the members of the Constitutional Council and the assistant rapporteurs provided for by the second paragraph of section 36 of Ordinance 58-1067 of 7 November 1958.
enacting the Institutional Act on the Constitutional Council. Staff of the Administration of Direct Taxes shall be released from the obligation of professional secrecy as regards Members of the Constitutional Council and its assistant rapporteurs when conducting investigations into the campaign accounts of candidates for the election of the President of the Republic.

All candidates shall be entitled to the same facilities from the State for the campaign for the presidential election.

A Decree of the Council of State shall lay down the rules for the application of these institutional provisions; it shall in particular determine the terms on which the State contributes to campaign advertising expenditure.

When the list of candidates for the first ballot is published, the State shall pay to each of them the sum of €153,000 by way of advance on the flat-rate reimbursement of campaign expenses provided for in the foregoing paragraph. If the amount to be reimbursed is less than this sum, the excess shall be repaid.

An amount of one twentieth of the maximum permissible amount of campaign expenses shall be reimbursed as a flat rate to all candidates; this amount shall be increased to one half for each candidate who receives more than 5% of the votes cast at the first ballot. It may not, however, exceed the amount of expenses recorded in the candidate’s campaign accounts.

The flat-rate reimbursement provided for in the foregoing paragraph shall not be made to candidates who have not complied with the second and fifth subparagraphs of paragraph II or to candidates whose campaign accounts have been rejected, save in the event of a decision to contrary effect by the Constitutional Council in cases where the violation of the relevant provisions was unintentional and of limited impact.